

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TZVI WEISS, *et al.*,

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.

CV 05-4622 (CPS) (KAM)

NOTICE OF MOTION TO DISMISS THE FIRST AMENDED COMPLAINT

PLEASE TAKE NOTICE that upon the accompanying Memorandum Of Law In Support Of Defendant's Motion To Dismiss The First Amended Complaint, the attached Declaration Of Lawrence B. Friedman In Support Of Defendant's Motion To Dismiss The First Amended Complaint, dated January 26, 2006, and the exhibits attached thereto, and all the prior pleadings and proceedings herein, Defendant National Westminster Bank Plc will move this Court before the Honorable Charles P. Sifton at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201, at 4:30 P.M. on March 1, 2006, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendant's motion to dismiss the First Amended Complaint for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that pursuant to the Order and Stipulation Re Briefing and Scheduling (Docket No. 26), plaintiffs' opposition papers shall be served and filed on or before February 9, 2006, and Defendant's reply papers shall be served and filed on or before February 17, 2006.

Dated: New York, New York
January 26, 2006

Respectfully submitted,

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s/ Lawrence B. Friedman
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